

ASHBY & GEDDES

ATTORNEYS AND COUNSELLORS AT LAW

500 DELAWARE AVENUE

P. O. BOX 1150

WILMINGTON, DELAWARE 19899

TELEPHONE
302-654-1888

FACSIMILE
302-654-2067

October 15, 2009

The Honorable Sue L. Robinson
United States District Court
844 King Street
Wilmington, Delaware 19801

VIA ELECTRONIC FILING

Re: *Girafa.com, Inc. v. Amazon Web Services LLC, et al.*,
C.A. No. 07-787-SLR

Dear Judge Robinson:

I write at the Court's request to provide an explanation for the filing by Girafa.com, Inc. of objections to the Court's claim constructions on October 13, 2009 (D.I. 446) (the "Objections"). Girafa's purpose in filing the Objections was to preserve its right to appeal the Court's claim construction decision in this action should it become necessary as to Defendant Smartdevil Inc. Smartdevil technically remains a party to this action under the Court's Order of April 21, 2008, which granted Girafa's motion for default in appearance by Smartdevil, but deferred a motion for judgment of default against Smartdevil until the case has been resolved against all other defendants (D.I. 67). The Objections were not intended to seek any action by the Court.

Please accept my apology for not including the above explanation at the time we filed the Objections, and for any confusion caused by that filing.

Respectfully,

John G. Day

John G. Day

cc: Jeffrey L. Moyer, Esquire (via electronic mail)
Claude M. Stern, Esquire (via electronic mail)
Arthur G. Connolly, III, Esquire (via electronic mail)
Daniel M. Cislo, Esquire (via electronic mail)
Jack Blumenfeld, Esquire (via electronic mail)
Douglas E. Lumish, Esquire (via electronic mail)
William H. Mandir, Esquire (via electronic mail)
John F. Rabena, Esquire (via electronic mail)
Chandran B. Iyer, Esquire (via electronic mail)